

## Message Text

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INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-06 FMC-02 INR-07 NSAE-00 RSC-01 CG-00 COA-01

DLOS-05 SWF-01 AF-10 ARA-10 EA-10 NEA-10 OIC-02 L-02

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R 291415Z OCT 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 5158

UNCLAS SECTION 01 OF 04 LONDON 14044

E.O. 11652: N/A

TAGS: IMCO

SUBJECT: SOLAS CONFERENCE

1. SUMMARY - WORK IN COMMITTEE I, ARTICLES AND CHAPTER I OF ANNEX, COMPLETED TO U.S. SATISFACTION, EXCEPT FOR ARTICLE XI, ENTRY INTO FORCE, AND FAILURE TO INCLUDE ARTICLE ON RESERVATIONS. WORK IN COMMITTEE II, ANNEX LESS CHAPTER I, COMPLETED 28 OCTOBER; TO DATE ALL PRIOR AMENDMENTS TO SOLAS 60 HAVE BEEN INCORPORATED WITH NO SUBSTANTIVE CHANGE IAW U.S. DESIRES. PLENARY WILL RECONVENE 29 OCTOBER.

2. COMMITTEE I, ARTICLES AND CHAPTER I OF ANNEX, COMPLETED WORK 25 OCTOBER.

A, ARTICLES I, III, IV, V, VII, VIII, IX, XII, XIV AND CHAPTER I OF SOLAS 60 RETAINED WITH ONLY EDITORIAL CHANGES.

B. FOLLOWING ARTICLES AND/OR PARTS OF ARTICLES DELETED:

(1) SECOND CLAUSE OF ARTICLE II, "AND SHIPS... ARTICLE XIII."

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(2) ARTICLE VI - SUSPENSION IN CASE OF WAR.

(3) ARTICLE XIII - TERRITORIES.

C. NEW ARTICLE ON LANGUAGES ADDED.

D. FOLLOWING ARTICLES ADOPTED WITH SUBSTANTIAL CHANGE:

(1) ARTICLE IX, AMENDMENTS, ADOPTED AS FOLLOWS:

"(A) THE PRESENT CONVENTION MAY BE AMENDED BY ANY OF THE PROCEDURES SPECIFIED IN THE FOLLOWING PARAGRAPHS.

(B) AMENDMENTS AFTER CONSIDERATION IN THE ORGANIZATION:

(I) ANY AMENDMENT PROPOSED BY A CONTRACTING GOVERNMENT SHALL BE SUBMITTED TO THE ORGANIZATION AND CIRCULATED BY IT TO ALL MEMBERS OF THE ORGANIZATION AND ALL CONTRACTING GOVERNMENTS AT LEAST SIX MONTHS PRIOR TO ITS CONSIDERATION;

(II) ANY AMENDMENT PROPOSED AND CIRCULATED AS ABOVE SHALL BE REFERRED TO THE MARITIME SAFETY COMMITTEE OF THE ORGANIZATION FOR CONSIDERATION;

(III) CONTRACTING GOVERNMENTS, WHETHER OR NOT MEMBERS OF THE ORGANIZATION, SHALL BE ENTITLED TO PARTICIPATE IN THE PROCEEDINGS OF THE MARITIME SAFETY COMMITTEE FOR THE CONSIDERATION AND ADOPTION OF AMENDMENTS AS SPECIFIED IN THIS ARTICLE;

(IV) AMENDMENTS SHALL BE ADOPTED BY A TWO-THIRDS MAJORITY OF THE CONTRACTING GOVERNMENTS PRESENT AND VOTING IN THE MARITIME SAFETY COMMITTEE ENLARGED AS PROVIDED FOR IN SUB-PARAGRAPH (III) OF THIS PARAGRAPH PROVIDED THAT AT LEAST ONE-THIRD OF THE CONTRACTING GOVERNMENTS SHALL BE PRESENT AT THE TIME OF VOTING;

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(V) IF ADOPTED IN ACCORDANCE WITH SUB-PARAGRAPH (IV) OF THIS PARAGRAPH, AMENDMENTS SHALL BE COMMUNICATED BY THE ORGANIZATION TO ALL CONTRACTING GOVERNMENTS FOR ACCEPTANCE.

(VI) AN AMENDMENT SHALL BE DEEMED TO HAVE BEEN ACCEPTED IN THE FOLLOWING CIRCUMSTANCES:

(1) AN AMENDMENT TO AN ARTICLE OF THE  
CONVENTION OR TO CHAPTER I OF THE ANNEX TO THE CONVEN-  
TION SHALL BE DEEMED TO HAVE BEEN ACCEPTED ON THE DATE  
ON WHICH IT IS ACCEPTED BY TWO-THIRDS OF THE

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CONTRACTING GOVERNMENTS;

(2) AN AMENDMENT TO THE ANNEX TO THE CON-  
VENTION OTHER THAN CHAPTER I (OF THE ANNEX) SHALL BE  
DEEMED TO HAVE BEEN ACCEPTED:

(AA) AT THE END OF TWO YEARS FROM THE  
DATE ON WHICH IT IS NOTIFIED TO CONTRACTING GOVERNMENTS  
FOR ACCEPTANCE; OR

(BB) IF SO DETERMINED AT THE TIME OF  
ITS ADOPTION BY A TWO-THIRDS MAJORITY OF THE CONTRACTING  
GOVERNMENTS PRESENT AND VOTING IN THE MARITIME SAFETY  
COMMITTEE ENLARGED AS PROVIDED IN SUB-PARAGRAPH (III) OF  
THIS PARAGRAPH, AT THE END OF A DIFFERENT PERIOD WHICH

SHALL NOT BE LESS THAN ONE YEAR.

IF WITHIN THE SPECIFIED PERIOD, MORE  
THAN ONE-THIRD OF CONTRACTING GOVERNMENTS, OR CONTRACTING  
GOVERNMENTS THE COMBINED MERCHANT FLEETS OF WHICH CON-  
STITUTE NOT LESS THAN FIFTY PER CENT OF THE GROSS TON-  
NAGE OF THE WORLD'S MERCHANT FLEET, WHICHEVER CONDITION  
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IS FULFILLED, NOTIFY THE ORGANIZATION THAT THEY  
OBJECT TO THE AMENDMENT, IT SHALL BE DEEMED NOT TO HAVE  
BEEN ACCEPTED;

(3) ANY CONTRACTING GOVERNMENT MAY, BEFORE  
THE DATE SET FOR THE ENTRY INTO FORCE OF AN AMENDMENT  
DEEMED TO HAVE BEEN ACCEPTED AS SPECIFIED IN SUB-PARA-  
GRAPH (VI) (2) OF THIS PARAGRAPH, GIVE NOTICE TO THE  
ORGANIZATION THAT IT EXEMPTS ITSELF FROM GIVING EFFECT  
TO THE AMENDMENT FOR A PERIOD NOT EXCEEDING ONE YEAR FROM  
THE DATE OF THE ENTRY INTO FORCE OF THAT AMENDMENT, UN-  
LESS A TWO-THIRDS MAJORITY OF THE CONTRACTING GOVERN-  
MENTS PRESENT AND VOTING IN THE MARITIME SAFETY COMMITTEE  
ENLARGED AS PROVIDED FOR IN SUB-PARAGRAPH (III) OF THIS  
PARAGRAPH AT THE TIME OF THE ADOPTION OF THE AMENDMENT  
DECIDES THAT A LONGER PERIOD MAY BE AUTHORIZED.

(VII) (1) IN THE CASE OF AN AMENDMENT TO AN  
ARTICLE OF THE CONVENTION OR TO CHAPTER I OF THE ANNEX  
TO THE CONVENTION THE AMENDMENT SHALL ENTER INTO FORCE  
SIX MONTHS AFTER THE DATE OF ITS ACCEPTANCE AS SPECIFIED  
IN SUB-PARAGRAPH (VI) (1) OF THIS PARAGRAPH WITH RESPECT  
TO THE CONTRACTING GOVERNMENTS WHICH HAVE ACCEPTED IT,  
AND SHALL ENTER INTO FORCE WITH RESPECT TO EACH CONTRACT-  
ING GOVERNMENT WHICH ACCEPTS IT AFTER THE DATE ON WHICH  
IT IS DEEMED TO HAVE BEEN ACCEPTED UNDER SUB-PARAGRAPH  
(VI)(1) OF THIS PARAGRAPH, SIX MONTHS AFTER ITS ACCEPT-  
ANCE BY THAT GOVERNMENT;

(2) IN THE CASE OF AN AMENDMENT TO THE  
ANNEX TO THE CONVENTION OTHER THAN CHAPTER I (OF THE  
ANNEX TO THE CONVENTION) THE AMENDMENT SHALL ENTER INTO  
FORCE SIX MONTHS AFTER ITS ACCEPTANCE FOR ALL THE CON-  
TRACTING GOVERNMENTS WITH THE EXCEPTION OF THOSE WHICH,  
BEFORE THE DATE OF ITS ENTRY INTO FORCE, HAVE MADE A  
DECLARATION THAT THEY OBJECT TO IT OR HAVE NOTIFIED THE  
ORGANIZATION THAT THEY EXEMPT THEMSELVES FROM GIVING  
EFFECT TO THE AMENDMENT FOR A PERIOD SPECIFIED IN SUB-  
PARAGRAPH (VI) (3) OF THIS PARAGRAPH.

(C) AMENDMENT BY A CONFERENCE:

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(I) UPON THE REQUEST OF A CONTRACTING GOVERNMENT CONCURRED IN BY AT LEAST ONE-THIRD OF THE CONTRACTING GOVERNMENTS, THE ORGANIZATION SHALL CONVENE A CONFERENCE OF CONTRACTING GOVERNMENTS TO CONSIDER AMENDMENTS TO THE PRESENT CONVENTION.

(II) EVERY AMENDMENT ADOPTED BY SUCH A CONFERENCE BY A TWO-THIRDS MAJORITY OF THE CONTRACTING GOVERNMENTS PRESENT AND VOTING SHALL BE COMMUNICATED BY THE ORGANIZATION TO ALL CONTRACTING GOVERNMENTS FOR THEIR ACCEPTANCE.

(III) UNLESS THE CONFERENCE DECIDES OTHERWISE, THE AMENDMENT SHALL BE DEEMED TO HAVE BEEN ACCEPTED AND ENTER INTO FORCE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED FOR THAT PURPOSE IN SUB-PARAGRAPHS (B) (VI) AND (VII) OF THIS ARTICLE, PROVIDED THAT REFERENCES IN THESE PARAGRAPHS TO THE MARITIME SAFETY COMMITTEE SHALL BE TAKEN TO MEAN REFERENCES TO THE CONFERENCE.

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TO SECSTATE WASHDC 5160

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(D) (I) A CONTRACTING GOVERNMENT WHICH HAS ACCEPT-  
ED AN AMENDMENT TO THE ANNEX WHICH HAS ENTERED INTO FORCE  
SHALL NOT BE OBLIGED TO EXTEND THE BENEFIT OF THE CON-  
VENTION IN RESPECT OF THE CERTIFICATES RELATING TO  
MATTERS COVERED BY THE AMENDMENT TO SHIPS ENTITLED TO  
FLY THE FLAG OF A STATE (THE GOVERNMENT OF WHICH IS A  
CONTRACTING GOVERNMENT) WHICH HAS MADE A DECLARATION  
UNDER SUB-PARAGRAPH (B) (VII) (2) OF THIS ARTICLE THAT  
IT OBJECTS TO THE AMENDMENT.

(II) A CONTRACTING GOVERNMENT WHICH HAS ACCEPT-  
ED AN AMENDMENT TO THE ANNEX WHICH HAS ENTERED INTO  
FORCE MAY EXTEND THE BENEFIT OF THE CONVENTION IN  
RESPECT OF THE CERTIFICATES RELATING TO MATTERS  
COVERED BY THE AMENDMENTS TO SHIPS ENTITLED TO FLY THE  
FLAG OF A STATE (THE GOVERNMENT OF WHICH IS A CONTRACT-  
ING GOVERNMENT) WHICH HAS NOTIFIED THE ORGANIZATION  
UNDER SUB-PARAGRAPH (B) (VI) (3) OF THIS ARTICLE AND HAS  
NOT GIVEN EFFECT TO THE AMENDMENT FOR THE PERIOD  
SPECIFIED IN THAT SUB-PARAGRAPH.

(E) UNLESS EXPRESSLY PROVIDED OTHERWISE, ANY  
AMENDMENT TO THE PRESENT CONVENTION MADE UNDER THIS  
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ARTICLE, WHICH RELATES TO THE STRUCTURE OF A SHIP, SHALL  
APPLY ONLY TO SHIPS THE KEEL OF WHICH IS LAID OR WHICH  
IS AT A SIMILAR STAGE OF CONSTRUCTION, ON OR AFTER  
THE DATE ON WHICH THE AMENDMENT ENTERS INTO FORCE.

(F) THE ORGANIZATION SHALL INFORM ALL CONTRACTING  
GOVERNMENTS OF ANY AMENDMENTS WHICH ENTER INTO FORCE  
UNDER THIS ARTICLE, TOGETHER WITH THE DATE ON WHICH EACH  
SUCH AMENDMENT ENTERS INTO FORCE.

(G) ANY DECLARATION OF ACCEPTANCE OF OR OBJECTION  
TO AN AMENDMENT OR ANY NOTIFICATION UNDER THIS ARTICLE  
SHALL BE MADE IN WRITING TO THE ORGANIZATION. THE  
LATTER SHALL BRING SUCH NOTIFICATION AND THE DATE OF ITS  
RECEIPT TO THE NOTICE OF THE CONTRACTING GOVERNMENTS."

AS A RESULT OF CONFUSION IN DRAFTING COMMITTEE OVER  
INTERPRETATION OF CERTAIN PROVISIONS OF ARTICLE IX,  
SEVERAL DRAFTING CHANGES WILL BE REQUIRED. PROBABLY  
WILL BE ATTEMPT BY OTHERS TO REOPEN DISCUSSION ON TIME

FOR ENTRY INTO FORCE OF AMENDMENTS IN (B) (VII) (2) WITH  
VIEW TOWARD EXTENDING PERIOD TO TWELVE MONTHS.

(2) ARTICLE XI, ENTRY INTO FORCE, ADOPTED AS  
FOLLOWS:

"(A) THE PRESENT CONVENTION SHALL ENTER INTO FORCE  
TWELVE MONTHS AFTER THE DATE ON WHICH NOT LESS THAN  
TWENTY-FIVE GOVERNMENTS OF STATES, THE COMBINED MERCHANT  
FLEETS OF WHICH CONSTITUTE NOT LESS THAN FIFTY PER CENT  
OF THE GROSS TONNAGE OF THE WORLD'S MERCHANT SHIPPING,  
HAVE BECOME PARTIES TO IT IN ACCORDANCE WITH ARTICLE X.

(B) ACCEPTANCES DEPOSITED AFTER THE DATE ON WHICH  
THE PRESENT CONVENTION ENTERS INTO FORCE SHALL TAKE  
EFFECT THREE MONTHS AFTER THE DATE OF THEIR DEPOSIT.

(C) AFTER THE DATE ON WHICH ALL THE CONDITIONS  
REQUIRED UNDER ARTICLE IX TO BRING AN AMENDMENT TO THE  
PRESENT CONVENTION INTO FORCE HAVE BEEN FULFILLED ANY

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INSTRUMENT OF RATIFICATION, ACCEPTANCE, APPROVAL OR  
ACCESSION DEPOSITED SHALL APPLY TO THE CONVENTION AS  
AMENDED."

THERE WILL BE ATTEMPTS IN PLENARY TO REOPEN DISCUSSION OF  
NUMBER OF ACCEPTANCES NECESSARY FOR ENTRY INTO FORCE OF  
THE CONVENTION WITH VIEW TOWARD CHANGING NUMBER UP OR  
DOWN.

E. PROPOSED ADDITION OF NEW ARTICLE ON RESERVA-  
TIONS DEFEATED IN COMMITTEE I OVER STRONG OBJECTION OF  
U.S., U.K., JAPAN.

3. COMMITTEE II, ANNEX OTHER THAN CHAPTER I, COMPLETED  
WORK 28 OCTOBER.

A. COMMITTEE CONSIDERED PROPOSED ANNEX, OTHER THAN  
CHAPTER I, OF 1974 CONVENTION. ANNEX INCLUDED ALL  
ACCEPTED AMENDMENTS UP TO AND INCLUDING THOSE OF EIGHTH  
ASSEMBLY. ADDITIONALLY, NEW CHAPTER II-2 WAS DEVELOPED  
THAT PLACED ALL FIRE PROTECTION REQUIREMENTS IN SINGLE  
CHAPTER. ALL GOALS U.S. DELEGATION ACHIEVED WITH  
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RESPECT THIS COMMITTEE. NO SUBSTANTIVE CHANGES TO PRE-  
PARED TEXT WERE PERMITTED, HOWEVER, SLIGHT CHANGES,  
PRINCIPALLY EDITORIAL, WERE AGREED. SEVERAL ITEMS OF  
TECHNICAL NATURE WERE NOTED BY COMMITTEE THAT WERE  
POSSIBLY WORTHY OF FURTHER DEVELOPMENT BY APPROPRIATE  
IMCO SUBCOMMITTEES. THESE ITEMS NOTED IN COMMITTEE  
REPORT.

B. QUESTION OF RESERVATIONS TO ANNEX DISCUSSED.  
STRONG SUPPORT, INCLUDING U.S., FOR INCLUSION OF ARTICLE  
PROHIBITING RESERVATIONS TO ANNEX. COMMITTEE II'S  
REPORT TO PLENARY INCLUDED RECOMMENDATION TO THIS EFFECT.  
PLAN TO PRESS FOR INCLUSION OF SUCH RESERVATIONS  
ARTICLE IN PLENARY.

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## Message Attributes

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